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**From:** Cohen, Janet [cohen.janet@epa.gov]  
**Sent:** 2/15/2018 3:46:27 PM  
**To:** Wehrly, Linc [wehrly.linc@epa.gov]; Ott, William [ott.william@epa.gov]  
**Subject:** RE: OTAQ: LATimes (Ralph Vartabedian) re: Prius recall to fix software.

Thanks Linc and Will. This is interesting. – j. -

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**From:** Wehrly, Linc  
**Sent:** Thursday, February 15, 2018 10:38 AM  
**To:** Valentine, Julia <Valentine.Julia@epa.gov>  
**Cc:** Cohen, Janet <cohen.janet@epa.gov>  
**Subject:** Fwd: OTAQ: LATimes (Ralph Vartabedian) re: Prius recall to fix software.

Julia,

Below is the response from Will Ott. Will works for me and is the Toyota compliance engineer. What Will is saying is that Toyota submitted a defect report to EPA and claim that FE and emissions are not impacted by the fix. Unless we have reason to question there assertion, that would be the end of it. At this time, we have no reason to question their assertion.

Linc

Sent from my iPhone

Begin forwarded message:

**From:** "Ott, William" <ott.william@epa.gov>  
**To:** "Wehrly, Linc" <wehrly.linc@epa.gov>  
**Subject:** RE: OTAQ: LATimes (Ralph Vartabedian) re: Prius recall to fix software.

Hi Linc,

I've attached the Running Change / Field Fix notification for this issue. Note that it contains **CONFIDENTIAL** OBD information. I think we could release pages 1-5 though?

According to this document the software change makes two changes:

1. To prevent inverter failure, the hybrid battery power output is limited when inverter temperature is high.
2. To prevent vehicle disablement (increased crash risk), diagnostics were added to recognize this failure and allow vehicle operation to be maintained.

Toyota performed US06 testing and showed that fuel economy and emissions were not significantly impacted by this software change. Toyota claims that the battery power output limits are sufficiently high that there is no impact to FTP or HFET tests.

-Will

William Ott  
Mechanical Engineer, Light-Duty Vehicle Center  
Compliance Division  
United States Environmental Protection Agency

734 214-4964  
[ott.william@epa.gov](mailto:ott.william@epa.gov)

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**From:** Wehrly, Linc  
**Sent:** Wednesday, February 14, 2018 12:56 PM  
**To:** Ott, William <[ott.william@epa.gov](mailto:ott.william@epa.gov)>  
**Subject:** FW: OTAQ: LATimes (Ralph Vartabedian) re: Prius recall to fix software.

Will,

Could you let me know if you have heard anything about this issue? Could you check to see if Toyota submitted a defect report or VERR for the inverter related to this issue?

Thanks,  
Linc

Linc Wehrly  
Director, Light-Duty Vehicle Center  
Compliance Division  
Office of Transportation and Air Quality  
United States Environmental Protection Agency  
(734) 214-4286  
[wehrly.linc@epa.gov](mailto:wehrly.linc@epa.gov)

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**From:** Valentine, Julia  
**Sent:** Tuesday, February 13, 2018 7:02 PM  
**To:** Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>  
**Cc:** Wehrly, Linc <[wehrly.linc@epa.gov](mailto:wehrly.linc@epa.gov)>  
**Subject:** Re: OTAQ: LATimes (Ralph Vartabedian) re: Prius recall to fix software.

Thanks Janet and thank you in advance, Linc!

Julia P. Valentine  
EPA Office of Public Affairs  
202.564.2663

On Feb 13, 2018, at 5:52 PM, Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)> wrote:

Julia, I'm not familiar with the Prius situation so I'm adding Linc to the conversation. If it's on our radar, he'll know about it and also will know how other examples of this kind of thing have been handled. As you know there are all kinds of prohibitions against changing a vehicle's certified configuration in a way that will affect emissions. When manufacturers find they need to make changes after the vehicle has been certified, they have to submit a running change (if the vehicle is still in production) or a field fix (if the model year is already closed out). Linc can give you all the details. – j. -

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**From:** Valentine, Julia  
**Sent:** Tuesday, February 13, 2018 5:20 PM  
**To:** Cohen, Janet <[cohen.janet@epa.gov](mailto:cohen.janet@epa.gov)>; Cook, Leila <[cook.leila@epa.gov](mailto:cook.leila@epa.gov)>  
**Cc:** Birgfeld, Erin <[Birgfeld.Erin@epa.gov](mailto:Birgfeld.Erin@epa.gov)>; Millett, John <[Millett.John@epa.gov](mailto:Millett.John@epa.gov)>;  
Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)>; Senn, John <[Senn.John@epa.gov](mailto:Senn.John@epa.gov)>;

Hull, George <Hull.George@epa.gov>; Belser, Evan <Belser.Evan@epa.gov>

**Subject:** OTAQ: LATimes (Ralph Vartabedian) re: Prius recall to fix software.

Hi Janet, Lee and Evan — interesting question below but seems like it may have a straightforward answer. Something dir Carly from our regs about when there is a change, it has to get approved? Robert looped in our R9 media colleagues and I will also send Stanley a note.

Thanks!

+ Region 9 for general awareness, as the legal complaint that prompted the reporter's story originated in Orange County, CA.

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**From:** Vartabedian, Ralph [<mailto:Ralph.Vartabedian@latimes.com>]

**Sent:** Tuesday, February 13, 2018 4:13 PM

**To:** Daguillard, Robert <[Daguillard.Robert@epa.gov](mailto:Daguillard.Robert@epa.gov)>

**Cc:** Valentine, Julia <[Valentine.Julia@epa.gov](mailto:Valentine.Julia@epa.gov)>; Vartabedian, Ralph <[Ralph.Vartabedian@latimes.com](mailto:Ralph.Vartabedian@latimes.com)>

**Subject:** Los Angeles Times inquiry

Hello Robert, Julia,

I am a reporter at the Los Angeles Times and working on a story about a defect and recall on the Toyota Prius. I have a couple questions for EPA. First, I wrote an initial story last week. I provide a link and a quote from the story below. I am following up on a key issue. In its recall to fix overheating in the Toyota hybrid inverter, a key part of the electrical power system, the company made unspecified changes to the vehicle's software. I have interviewed a couple of the nation's top electric and hybrid vehicle experts, who say such a reprogramming could very likely increase the Prius reliance on its gasoline engine and reduce the reliance on the electric motor. If so, it would increase emissions and reduce fuel economy. I have two questions for EPA.

1. Is EPA looking into the Prius issue? The NHTSA referred this question to EPA. They are reviewing allegations that the software change did not fix the safety problem, but say their role in fuel economy involves new car fleets.
2. When an auto maker changes the software in a vehicle, either in a safety recall or in a technical service bulletin to its dealers, and that new software changes the vehicle's performance, fuel economy or emissions, does the manufacturer have a legal or regulatory obligation to report that to EPA? Does EPA have a regulatory role in approving or denying those changes?

It may help if you have some of the recall information that Toyota provided to NHTSA. Here is one document that explains the software modified the function of both the inverter and the powertrain: <https://static.nhtsa.gov/odi/rci/2014/RCRIT-14V053-1324.pdf> You can find my earlier story here: <http://www.latimes.com/local/california/la-fi-toyota-prius-defect-20180207-story.html>

In that story, I wrote: Toyota's recall fix involved unspecified changes to the vehicle's software. Toyota has not said exactly how the software reduces overheating, and its statement did not answer questions submitted by The Times about whether it could affect the vehicle's performance, fuel economy or emissions. Some automotive experts contacted by The Times say the software could affect the vehicle's performance.

Thank you for any assistance you can provide. I am trying to write the follow up as soon as possible, so if you can keep me updated, I would appreciate it.

Ralph

Ralph Vartabedian

National Correspondent

Los Angeles Times

Ex. 6 Personal Privacy (PP)